

**Order Below Exh.1 in Cri. B. Appln. No. 133/2022**

**(CNR No. MHNS010003232022)**

Virenda Krishna Suryawanshi Vs. State.

**Heard:** Ld. Adv. Mr. G. L. Bodke for the applicant.  
Ld. A.P.P. Ms. S. S. Sangle for the State.

1. This is an application under Section 439 of the Code of Criminal Procedure, 1973 in Crime No.37/2022 registered at Ambad Police Station for the offence punishable under Section 376(1) of the Indian Penal Code, 1860 (hereinafter referred to as IPC). It is the case of prosecution in brief that the accused/applicant is known to the victim since the past two years. On the date of the incident, he took her on his two-wheeler to a lonely spot, physically assaulted her for speaking to someone on the phone and also committed forcible sexual intercourse with her.

2. Learned Advocate for the applicant has submitted that there was a consensual love-affair between the applicant and the complainant (both of whom are adults and in their twenties). The victim had willingly accompanied the accused. The FIR was lodged by the complainant because her brother saw him with the accused. There is a delay of 4 days in lodging FIR. Material part of the investigation is over. Applicant is ready to abide by the terms and conditions imposed by the Court. Therefore, applicant should be released on bail.

3. Per contra, Ld. A.P.P. has opposed the application on the ground that the offence is serious in nature. Investigation is in progress and charge-sheet is yet to be filed. If the applicant is released on bail, there are chances of his tampering with prosecution witnesses.

4. Ld. A.P.P. upon taking instructions has submitted that material part of the investigation is over. Applicant is ready to abide by the terms and conditions imposed by the Court. In view thereof, I am inclined to allow the application subject to the following terms and conditions only.

### **ORDER**

- 1] Application is allowed.
- 2] Applicant Virenda Krishna Suryawanshi be released on bail by executing P.R. and S.B. of ₹30,000/- with one or two local sureties of like amount.
- 3] Applicant shall not reside in the same village as the complainant till the filing of the charge-sheet.
- 4] Applicant shall not directly or indirectly, make any inducement, threat or promises to any person acquainted with the facts of accusation, so as to dissuade him/her from disclosing such facts to the

Court or to the police officer and shall not tamper with the prosecution evidence in any manner.

- 5] Applicant shall not commit any offence.
- 6] Applicant is duty bound to inform the I.O. about his change of address, if any.
- 7] Applicant shall furnish residence and ID proof of two blood relatives to the I.O.
- 8] Applicant shall attend all dates of hearing after the charge-sheet is filed.

(Order is dictated & pronounced in open court).

Nashik.  
15/02/2022.

Mridula Bhatia  
District Judge-2 and  
Additional Sessions Judge,  
Nashik.